

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 JKG Fitness, Inc.,

4 Plaintiff(s),

5 vs.

6 Brown & Brown of Colorado, Inc., et al,

7 Defendant(s).

2:23-cv-01800-JAD-MDC**ORDER:****GRANTING MOTION (ECF No. 33) and
DENYING STIPULATION (ECF No. 37) AS
MOOT**

Pending before the Court are a *Motion for Extension of Time* (“Motion”) (ECF No. 33) by defendant Brown & Brown of Colorado, Inc. and a *Stipulation for Extension of Time* (“Stipulation”) (ECF No. 37). For the reasons stated below, the Court GRANTS the Motion and DENIES the Stipulation as moot.

DISCUSSION

Defendant Brown & Brown of Colorado, Inc seeks to both extend and reopen discovery deadlines. ECF No. 33. Plaintiff opposes defendant’s Motion. ECF No. 35.

A request to extend discovery deadlines must include a statement specifying the discovery completed, a specific description of the discovery that remains, the reasons why the subject deadline cannot be met, and a proposed schedule for completing the outstanding discovery. Local Rule (“LR”) 26-3. To prevail on a request to amend a scheduling order under Rule 16(b), a movant must establish good cause. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *Id.* at 609. “The showing of diligence is measured by the conduct displayed throughout the entire period of time already allowed.” *Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177 (D. Nev. 2022).

Defendant asserts that it has been diligent in pursuing discovery and that good cause exists to extend the discovery deadlines. Defendant argues that third-party discovery is relevant to its affirmative

1 defenses. ECF No. 33 at 5-6. Defendant further argues that the remaining discovery cannot be completed
2 within the current deadlines. *Id.* at 7. The Court finds that good cause exists to extend and reopen the
3 discovery deadlines.

4 Therefore, the Court will adopt defendant's proposed new deadlines. The new discovery
5 deadlines will be as follows:

- 6 • Amending the Pleadings and Adding Parties: **January 28, 2025**;
- 7 • Rebuttal Expert Disclosures: **March 13, 2025**;
- 8 • Disclosure Closes: **May 1, 2025**;
- 9 • Dispositive Motions: **June 26, 2025**;
- 10 • Pre-Trial Order, if no Dispositive Motions: **July 29, 2025**

11 If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30
12 days after decision on the dispositive motions or further court order.

13
14 ACCORDINGLY,

15 **IT IS ORDERED that:**

- 16 1. The *Motion for Extension of Time* (ECF No. 33) is GRANTED.
17 2. The *Stipulation for Extension of Time* (ECF No. 37) is DENIED AS MOOT.

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19 DATED this 11th day of December 2024.

20 IT IS SO ORDERED.

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23 Hon. Maximiliano D. Couvillier III
24 United States Magistrate Judge
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